

1 F. Christopher Austin, Esq.  
2 Nevada Bar No. 6559  
3 *caustin@weidemiller.com*  
**WEIDE & MILLER, LTD.**  
4 10655 Park Run Drive, Suite 100  
5 Las Vegas, NV 89144  
6 Tel: (702) 382-4804  
7 Fax: (702) 382-4805

8 *Attorneys for Plaintiff LHF Productions, Inc.*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 LHF PRODUCTIONS, INC., a Nevada  
12 Corporation,

13 Plaintiff,

14 vs.

15 MARIA GONZALEZ, an individual;  
16 BRIAN KABALA, an individual; JOHN  
17 KOEHLY, an individual; DANIEL  
18 O'CONNELL, an individual; DONALD  
19 PLAIN, an individual; ANTE SODA, an  
20 individual; MATTHEW STEWART, an  
21 individual; and JOHN AND JANE DOES.

22 Defendants

---

23 BRIAN KABALA, an individual;

24 Counter-Plaintiff,

25 vs.

26 LHF PRODUCTIONS, INC., a Nevada  
27 Corporation,

28 Counter-Defendant,

Case No.: 2:16-cv-02028-JAD-NJK

**STIPULATION AND ORDER TO  
EXTEND TIME TO FILE REPLY IN  
SUPPORT OF COUNTER-DEFENDANT'S  
RENEWED MOTION TO WITHDRAW  
CONSTRUCTIVE ADMISSIONS**

**(First Request)**

29 Pursuant to Local Rule IA 6-1(a) and Fed.R.Civ.P. 6(b)(1)(A), Counter-Defendant, LHF  
30 PRODUCTIONS, INC. (hereafter referred to as "Counter-Defendant" or "LHF"), and Counter-  
31 Plaintiff BRIAN KABALA ("Counter-Plaintiff" or "Kabala"), by and through their undersigned  
32 counsel, stipulate to a three-day extension for LHF to file its Reply ("Reply") to Kabala's  
33 Opposition (ECF 147) to LHF's Renewed Motion to Withdraw Constructive Admissions (ECF  
34 146) from June 5, 2018, to June 8, 2018. This is the first request for such an extension.

1           LR IA 6-1 and Fed.R.Civ.P. 6(b)(1)(A) provide that stipulations to extend time may be  
2 granted upon a showing of good cause when brought prior to the expiration of the relevant  
3 deadline. “Good cause” is a non-rigorous standard that has been construed broadly across  
4 procedural and statutory contexts.” *Id.* citing *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253,  
5 1259 (9th Cir. 2010) (discussing “good cause” in the context of Fed. R. Civ. P. 6(b)(1)). It  
6 generally involves a case-by-case assessment of whether there is some good reason for the delay  
7 or requested extension in the absence of bad faith and prejudice to the non-moving party. *See id.*  
8 at 1109-1110. Generally, there is good cause to extend time to permit a party to discuss factual  
9 or procedural matters with its counsel that may be relevant to the pending brief or to provide  
10 adequate time under the circumstances to permit a party to fairly respond to the legal issues raised  
11 in the preceding brief.

12           As set forth in the Declaration of Mr. Austin, counsel for LHF, attached hereto as Exhibit  
13 1, these are precisely the reasons for the requested brief extension. Mr. Austin was not counsel  
14 for LHF when the facts and circumstances arose giving rise to the Renewed Motion to Withdraw  
15 (ECF 147). As such, he must consult with his client and counsel of record at the time to be  
16 appraised of factual and procedural matters raised in the Opposition. (Austin Decl. at ¶3.) As of  
17 the time of bringing this filing he had not yet been able to fully confer on these matters due to  
18 scheduling conflicts and his own workload, including the necessity of briefing and filing an  
19 opposition to a motion in an unrelated matter yesterday, June 4, 2018. *Id.* at ¶4. Thus, absent the  
20 brief extension requested, to which counsel for Counter-Plaintiff have graciously stipulated, LHF  
21 would not be able to fairly respond to the Opposition filed in this matter. *Id.* at ¶5.

22           ///

23           ///

24           ///

25           ///

26           ///

27           ///

28           ///

1           As seeking a brief extension to confer with counsel and to secure adequate time to fairly  
2 respond constitute good cause for the requested extension, and as Counter-Plaintiffs have  
3 stipulated to the same and will not, therefore, be prejudiced by the requested extension, this  
4 stipulation should be granted.

5           DATED this 5<sup>th</sup> day of June 2018.

6           By: /S/ F. Christopher Austin  
7           F. Christopher Austin, Esq.  
8           [caustin@weidemiller.com](mailto:caustin@weidemiller.com)  
9           **WEIDE & MILLER, LTD.**  
10          10655 Park Run Drive, Suite 100  
11          Las Vegas, NV 89144

12          Attorney for Counter-Defendant LHF  
13

14          By: /S/ Jonathan Blum  
15          Jonathan D. Blum, Esq.  
16          [jblum@klnevada.com](mailto:jblum@klnevada.com)  
17          **KOLESAR & LEATHAM**  
18          400 South Rampart Blvd, Suite 400  
19          Las Vegas, NV 89145  
20  
21          Lisa L. Clay, Esq. (*Pro Hac Vice*)  
22          [lclayaal@gmail.com](mailto:lclayaal@gmail.com)  
23          345 North Canal Street Suite C202  
24          Chicago, IL 60606-1333  
25  
26

27          Attorney for Counter-Plaintiff Brian Kabala

28          ORDER

1          IT IS SO ORDERED

2          Dated June 6, 2018

3            
4          \_\_\_\_\_  
5          UNITED STATES MAGISTRATE JUDGE